SINGLE BENCH

CF-1002 cd. 10/-

(1)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH A

BILASPUR

W.P. No. 4488 (C) Of 2006.

PETITIONER :- Shri Balaji Swami Trust Shri Dudhadha Math, Raipur, through Rajeshree Maha Ramsunder Das, Aged about 45 years, Guru Late Shri Rajesh Mahant Vaishnavdasji, Sarvarakar Managing Trustee, Shri Balaji Swami Trust Shri Dudhadhari Math Raipur, Registration no. 12/33/9-53-54.

P.R. No. 45391/6
Presented by Shri JK Gupta
dated 21/8/06

NOTARY
C. TIWARY
(ADVOCATE)
Dist.
(C.G.) INDIA
No. C.G.
2/1-98
OF INDIA

V E R S U S

RESPONDENT :- 1. Registrar, Public Trust cum Sub Divisio nal Officer, G.E. Road, Raipur (C.G.),

2. Collector, Collectorate Building, Raip District Raiput (Chhattisgarh).

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC-78

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 5488/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

31.8.2006

Mr. H.B. Agarwal, Sr. Advocate with Miss Sangeeta Mishra, Advocate for the petitioner.

Mr. N.K. Agarwal, Dy. Adv. General for State on advance copy.

Heard on admission.

By this writ petition the petitioner-Shri Balaji Swami Trust has questioned the validity of order-dated 17.3.2006 passed by the Collector, Raipur whereby the Collector has refused to accord permission to the petitioner-trust under Section 14 of the C.G. Public Trust Act, 1951 (for short 'the Act') for selling the land of trust.

I have heard learned Sr. Advocate for the petitioner and perused the impugned order.

Section 14 of the Act contemplates that '*subject to the directions in the instrument of trust or any direction given under this or any other law by any Court, the property belonging to a public trust cannot be transferred in any mode without the previous sanction of the Registrar*'.

Sub-section (2) of Section 14 envisages that '*the Registrar shall not refuse his sanction in respect of any transaction specified in sub-section (1) unless such transaction will, in his opinion be prejudicial to the interests of the public trust.*'

In the first instance, the instrument of the petitioner-trust whereby the trust was created was not produced before the Registrar

P.T.O.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of Trusts, whether the trust has the authority to sale the land of trust and if so, in what manner they will be entitled to sale the land of trust. As per provisions of Section 14 of the Act, the Trustees are not entitled to deal with the property in any manner, which is contrary to the instrument of trust or which does not provide for the sale of trust property. Apart from that the Revenue Inspector inspected the land in question and thereafter only the authority considered that the agreement to sale is not complete, the nature of land has to be changed and for which the permission of the Manager of land i.e. Collector has not been sought and therefore, the permission has been rejected.

Perusal of the order shows that insufficient material was placed before the competent authority for considering the application filed by the petitioner for permission to sale the property of trust and as such, the permission was rightly rejected and I do not find any illegality or infirmity in the order impugned.

In the result, the petitioner has not been able to make out a case for interference by this Court under Article 226 of the Constitution of India, the petition is liable to be dismissed and it is, accordingly, dismissed.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

P.T.O.

6.9.06